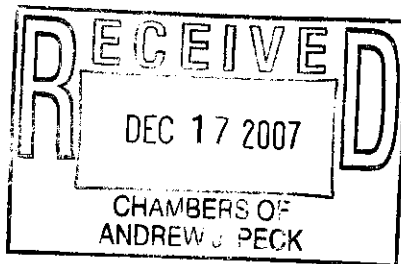
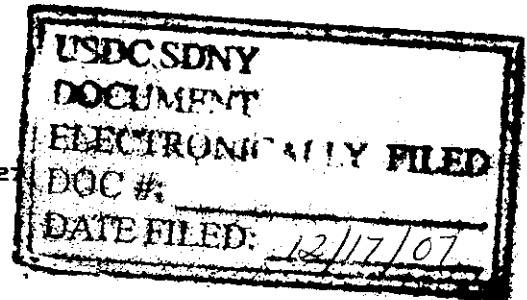


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December 17, 2007



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Via Facsimile: (212) 805-7933

Hon. Andrew J. Peck, USMJ
United States District Court for the
Southern District of New York
500 Pearl Street (Room 620)
New York, New York 10007

MEMO ENDORSED

Re: *Best-Simpson v. New York Organ Donor Network, et al.*
Case No:07 CV 2683 (BSJ) (AJP)

Dear Judge Peck:

BY FAX

Pursuant to the enclosed, please find a letter from Jane Best-Simpson to her physician which instructs her doctor to disregard and violate your so-ordered subpoena.

As you can see, it is dated today, and Ms. Simpson indicates that she has filed for a preliminary injunction in this matter. Please be advised that she did not appear for the hearing on the injunction, even though it was adjourned, which, to my knowledge, she did not know.

This letter severely affects our ability to continue with discovery and we respectfully request the Court's guidance in this matter as we cannot control the actions of Ms. Simpson and her blatant disregard of the orders of your court.

Respectfully submitted,

By:

Seth Berman (SB7407)
Attorneys for the NYODN and GGF&C Defendants
1010 Franklin Avenue (Suite 400)
Garden City, New York 11530
(516) 742-2500
(212) 967-4965 (fax)

Enclosures
SB/fm

cc: Jane Best-Simpson (via e-mail and regular mail) (w/ encls.)
William Miller, Esq. (via facsimile) (w/ encls.)

DO NOT PROVIDE ANY MEDICAL RECORDS OR DISCUSS JANE BEST-SIMPSON MEDICAL RECORDS WITH ANYONE -EVEN IF THEY HAVE ISSUED A SUBPOENA.

THIS MATTER IS NOT FINAL-IT IS BEING APPEALED TO A SUPERVISING JUDGE THAT PRESIDES OVER THE JUDGE THAT ISSUED THE SUBPOENA. SINCE THE DECISIONS HAVE NOT BEEN MADE AS OF YET NO ONE IS ENTLED TO HAVE ANY SUCH RECORDS.

December 17, 2007

Dear Dr. Scrimmager:

This is to reiterate to you in writing that I Jane Best-Simpson do not authorize you to issue or release any medical records or to have any discussions with anyone with respect to my medical records.

On December 11, 2007, in a conversation with your assistant and subsequently thereafter with you in person at our last week visit, you informed me that you were issued a subpoena.

This was the first that I had knowledge of such information. Thereafter, that same day on December 11, 2007, I opened my mail and there were several documents from this attorney, with respect to this matter that apparently took place during the week of December 5, 2007; without my knowledge or notice by mail.

However, please note, that I had already filed a Preliminary Injunction and a Motion to Stay all further proceedings in this action on December 10, 2007 with the District Court Judge Barbara Jones.

She is above the Judge who issued these subpoenas. I am also filing a motion to quash the subpoenas. Therefore no one is entitled to any records until at such time there is a ruling on both of these matters. You can give them this letter when they come. I will be in contact with you.



Thank you, Jane Best-Simpson

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: December 17, 2007

Total Number of Pages: 3

TO	FAX NUMBER
Robert I. Gosseen, Esq. Seth W. Berman, Esq.	516-742-2516
William Miller, Esq. Eric Proshansky, Esq.	212-788-1633

TRANSCRIPTION:

MEMO ENDORSED 12/17/07

Absent a stay from Judge Jones, all of my Orders – including the subpoenas – remain in effect, and if the doctors do not comply, you should move for contempt against them, and against Ms. Best-Simpson.

**Copies to: Ms. Jane Best-Simpson (Email & Regular Mail)
Judge Barbara S. Jones**